

By



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/072,081 | 02/06/2002 | Sergey Potekhin | PA2040US | 9465 |

29855 7590 07/01/2005

WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI,
P.C.
20333 SH 249
SUITE 600
HOUSTON, TX 77070

| |
|----------|
| EXAMINER |
|----------|

AZAD, ABUL K

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2654

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/072,081.

Applicant(s)

POTEKHIN ET AL.

Examiner

ABUL K. AZAD

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 45-81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to the communication filed on February 24, 2005.
2. Claims 45-81 are pending in this action. Claims 1-44 have been canceled. Claims 45-81 have been newly added.
3. The applicant's arguments with respect to claims 45-81 have been fully considered but they are not deemed to be persuasive. For examiner's response to the applicant's arguments or comments, see the detailed discussion in the Response to the Arguments section.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 45-81 are rejected under 35 U.S.C. 102(b) as being anticipated by Botzko et al. (US 6,141,597).

As per claim 45 Botzko teaches, "a system", comprising:

"a plurality of audio ports between which audio signal processing of a conference is distributed wherein each audio port processes input audio signals from an assigned.

Art Unit: 2654

endpoint and processes output audio signals to be sent to its assigned end pint" (Fig. 2, elements Site A, B, C and D); and

"one or more audio controllers, wherein the one or more audio controllers receive control information from each of the audio ports as derived from the processed input audio signals and provide control instruction to each of the audio port to control processing of the output audio signals, wherein the audio controller does not otherwise receive or process the audio signals" (Fig. 2, element 14C).

As per claim 46, Botzko teaches, "wherein the processing of output audio signals includes mixing of at least one audio signal" (Fig. 2, elements 16 a, b, c and d).

As per claim 47, Botzko teaches, "wherein the processing of input audio signals includes analyzing the input audio signals to derive the control information" (Fig. 2, elements 19 a, b, c and d).

As per claim 48, Botzko teaches, "wherein the processing of input audio signals includes enhancing the input audio signals" (inherent in this invention).

As per claim 49, Botzko teaches, "wherein the one or more audio controllers are centralized and distinct from the plurality of audio ports" (See Fig. 2, elements, audio ports and selector).

As per claim 50, Botzko teaches, "a switch that selects which audio signals mixed, and that is controlled by the one or more audio controllers" (Fig. 3).

As per claim 51, Botzko teaches, "wherein processing of output audio signals includes use of an encoder encoding of the output signals" (Fig. 2, elements 16 a, b, c and d).

Art Unit: 2654

As per claim 52, Botzko teaches, "further comprising a common interface that receives output from the encoder" (Fig. 2, element "RTP/RTCP transport" as a common interface).

As per claim 54, Botzko teaches, "further comprising a control channel interface for broadcasting the control information from the one or more audio controller to the audio port" (Fig. 3).

As per claim 55, Botzko teaches, "further comprising an information channel for broadcasting the control information from the audio port to one or more audio controller"(Fig. 3).

As per claim 56, Botzko teaches, "wherein the processing of the input audio signals includes use of an analyze and enhance unit, wherein the analyzed and enhance unit produces the control information" (Fig. 3).

As per claim 57, Botzko teaches, wherein processing of audio signal is decoding the input signal" (Fig. 2, element 18).

As per claim 58, Botzko teaches, "an interface common to the audio ports for carrying compressed input audio signals to audio ports" (Fig. 2, element RTP/RCTP transport)

As per claim 59, Botzko teaches, "the common interface further carries the output audio signals to the endpoints" (Fig. 2, element RTP/RCTP transport).

As per claims 60-81, they are interpreted and thus rejected for the same reasons set forth in the rejection of claims 45-59.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Botzko et al. (US 6,141,597) as applied to claim 45 above, and further in view of well-known art.

As per claim 53, Botzko does not explicitly teach buffer for storing the control instructions. Official Notice is taken on a well-known buffer for storing control instruction. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a buffer at the audio port because one ordinary skill in the art readily recognized that provide control instruction send to the controller easily by retrieving from the memory.

Response to Arguments

8. The applicant argues that Botzko does not teach audio controllers receive control information from each of the audio ports as derived form the processed input audio signals.

The examiner disagrees with the applicant's assertion because the above limitation teaches by Botzko at col. 5, lines 7-16.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

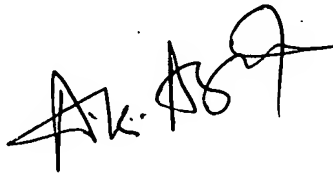
Contact Information

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ABUL K. AZAD whose telephone number is (571) 272-7599. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RICHEMOND DORVIL can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2654

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'A.K. Azad', with a stylized flourish at the end.

ABUL K. AZAD
Primary Examiner
Art Unit 2654

June 21, 2005